

15-1354

March 4, 2015  
BCO-044

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

KEY HANDLING SYSTEMS, INC.

Respondent

:  
: No. 15-1354  
:  
:  
: Board Case No.:  
: 22-CA-105632  
:  
:

JUDGMENT ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD

Before: AMBRO, JORDAN and KRAUSE, Circuit Judges

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Key Handling Systems, Inc., its officers, agents and representatives, enforcing its order dated July 15, 2014, in Case No. 22-CA-105632, reported at 360 NLRB No. 2, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Key Handling Systems, Inc., its officers, agents and representatives, shall abide by said order (See Attached Order and Appendix).

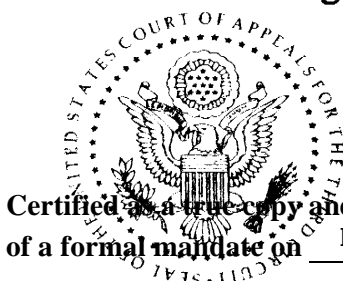
Mandate shall issue forthwith.

BY THE COURT

s/ Cheryl Ann Krause

Circuit Judge

DATED: March 12, 2015



Certified as a true copy and issued in lieu  
of a formal mandate on March 12, 2015

Teste: Marcia M. Waldron

Clerk, U.S. Court of Appeals for the Third Circuit

**NATIONAL LABOR RELATIONS BOARD**

**v.**

**KEY HANDLING SYSTEMS, INC.**

**ORDER**

Key Handling Systems, Inc., Moonachie, New Jersey, its officers, agents, successors, and assigns, shall

**1. Cease and desist from**

- (a) Failing and refusing to bargain collectively and in good faith with UFCW Local 1245, United Food and Commercial Workers, AFL-CIO as the exclusive collective-bargaining representative of the employees in the following unit by failing, since about January 4, 2013, to continue in effect all the terms and conditions of the 2012-2013 Agreement by failing to make payments to employees Angel Agudo, José Almedia, Luis Castillo, Marcos Rodriguez, Sigfredo Javier, Victor Javier, Anthony Quiles, Wilson Vargas, Raymond Clouse, and James Renfro with respect to their unused sick and vacation leave. The bargaining unit is:

All production, maintenance, installation employees and truck drivers employed by Key Handling Systems, Inc. at its Moonachie, New Jersey facility, but excluding executives, supervisors, office employees, draftsmen, engineers and such other classifications of employees not here included.

- (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
- 2. Take the following affirmative action necessary to effectuate the policies of the Act.**
- (a) Honor and comply with the terms and conditions of the 2012-2013 Agreement by paying Angel Agudo, José Almedia, Luis Castillo, Marcos Rodriguez, Sigfredo Javier, Victor Javier, Anthony Quiles, Wilson Vargas, Raymond Clouse, and James Renfro the contractual

amounts due with regard to their unused sick and vacation leave, with interest, in the manner set forth in the remedy section of this decision.

- (b) Make Angel Agudo, José Almedia, Luis Castillo, Marcos Rodriguez, Sigfredo Javier, Victor Javier, Anthony Quiles, Wilson Vargas, Raymond Clouse, and James Renfro whole for any loss of earnings and other benefits suffered as a result of the Respondent's unlawful conduct, with interest, in the manner set forth in the remedy section of this decision.
- (c) Compensate the unit employees for the adverse tax consequences, if any, of receiving lump-sum backpay awards, in the manner set forth in the remedy section of this decision, and file a report with the Social Security Administration allocating the backpay awards to the appropriate calendar quarters for each employee.
- (d) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
- (e) Within 14 days after service by the Region, duplicate and mail, at its own expense and after being signed by the Respondent's authorized representative, copies of the attached notice marked "Appendix" to the Union and to all employees who were employed by the Respondent at its Mooachie, New Jersey facility at any time since about January 2013 until it ceased operations there. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means.
- (f) Within 21 days after service by the Region, file with the Regional Director for Region 22 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

## **APPENDIX**

### **NOTICE TO EMPLOYEES AND MEMBERS**

**MAILED PURSUANT TO A JUDGMENT OF THE UNITED STATES  
COURT OF APPEALS ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to mail and obey this notice.

**FEDERAL LAW GIVES YOU THE RIGHT TO**

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT fail and refuse to bargain collectively and in good faith with UFCW Local 1245, United Food and Commercial Workers, AFL-CIO (the Union) as the exclusive collective-bargaining representative of our employees in the following unit by failing and refusing to make payments to unit employees under the terms of our 2012-2013 collective-bargaining agreement with the Union, with respect to their unused sick and vacation leave:

All production, maintenance, installation employees and truck drivers employed by us at our Moonachie, New Jersey facility, but excluding executives, supervisors, office employees, draftsmen, engineers and such other classifications of employees not here included.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL honor and comply with the terms and conditions of our 2012-2013 collective-bargaining agreement with the Union, by paying our unit employees the contractual amounts due for their unused sick and vacation leave, which we have not paid since January 4, 2013, with interest.

WE WILL make our unit employees whole for any loss of earnings and other benefits suffered as a result of our unlawful conduct, with interest.

WE WILL compensate our unit employees for the adverse tax consequences, if any, of receiving lump-sum backpay awards, and WE WILL file a report with the Social Security Administration allocating the backpay awards to the appropriate calendar quarters.

KEY HANDLING SYSTEMS, INC.

The Board's decision can be found at [www.nlr.gov/case/22-CA-105632](http://www.nlr.gov/case/22-CA-105632) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

